

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND VARIANCE - 100' W of Rossville Blvd.,  
130' N of Franklin Square Drive \* DEPUTY ZONING COMMISSIONER  
(7106 Ridge Road)  
14th Election District \* OF BALTIMORE COUNTY  
6th Councilmanic District \* Case No. 96-483-XA  
  
Y. A. Youssef, M.D., Owner;  
Heritage Properties, Inc., Contract Purchaser

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 7106 Ridge Road, located adjacent to Rossville Boulevard across from Essex Community College in Rossville. The Petition was filed by the owner of the property, Y. A. Youssef, M.D., and the Contract Purchaser, Heritage Properties, Inc., by David G. Rhodes, President. The Petitioners seek approval to locate a Class B Assisted Living Facility on the subject property, zoned OR-1, pursuant to Sections 205.3.B.1 and 1B01.1.C.22 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: From Section 432.5.B.1.b(2) to permit parking and delivery areas for a Class B, Assisted Living Facility to be located in an interior front yard in lieu of the required side or rear yard location; from Section 432.5.B.3.b to permit a Class B, Assisted Living Facility to be located on a lot without frontage on a principal arterial road; from Section 413.1.A to permit an identification sign of 50 sq.ft. (25 sq.ft. per face) in lieu of the maximum permitted 1 sq.ft.; from Section 205.3.C.3.b(1) to permit a combined identification sign of 100 sq.ft. (50 sq.ft. per face) in lieu of the maximum permitted 25 sq.ft., and from Section 205.3.C.3.b(3) to permit a sign height of 9 feet in lieu of the maximum permitted 6 feet. The subject property and requested

ORDER RECEIVED FOR FILING

Date

By

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relief are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were George Robinson Wentz, Jr., President, and Robert Isennock, Jr., both representatives of Colonial Manor Homes, Inc., Jack Cannella, a representative of Heritage Properties, Inc., and Robert Morelock of Daft-McCune-Walker, Inc., the engineering/architectural firm which prepared the site plan for this project, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.29 acres, more or less, zoned OR-1, and was the subject of prior Case No. 90-328-SPHXA in which a special hearing, special exception and variances for three (3) one-story office buildings were granted on April 16, 1990. The property was reclassified in December 1992 from RO to O-1 (now OR-1) and the relief granted in Case No. 90-328-SPHXA subsequently abandoned. The Petitioners now wish to modify their original proposal to construct one, 20,000 sq.ft. medical office building on the front two acres of the site, and a 15-bed Class B, Assisted Living Facility on the rear one-acre portion of the site, in accordance with Petitioner's Exhibit 1. It is the Class B Assisted Living Facility which has generated the requested special exception and variance relief. Testimony and evidence presented demonstrated that the proposed facility is a low intensity use and will be located to the rear of the office building complex. Thus, its impact upon the surrounding community will be minimal.

As to the variance relief sought, the Petitioners amended their request at the hearing, seeking alternative relief. Specifically, the Petitioners seek approval of one (1) free-standing, double-faced sign of

35 sq.ft. per face (70 sq.ft. total) with a height no greater than 7 feet to identify the proposed office building on the site, and one (1) free-standing, double-faced sign no greater than 20 sq.ft. per face (40 sq.ft. total), for the proposed Class B Assisted Living Facility. The latter sign dimensions are exclusive of any decorative brick support, as shown on the schematic drawing for same which was submitted into evidence as Petitioner's Exhibit 2. In the alternative, the Petitioners seek approval, pursuant to the Petition filed, for one free-standing sign of 50 sq.ft. total, with no greater height than 9 feet, to identify both uses on the site.

As for the other variances requested, they relate to the location of the assisted living facility on Ridge Road, which parallels Rossville Boulevard, but is not itself, a principal arterial road. Furthermore, relief is sought to permit parking and delivery areas to be located in front of the assisted living facility, as opposed to the side or rear of the building. Due to the proposed uses on the property and their locations thereon, the relief requested is necessary to maintain both uses in an orderly and practical manner. In addition, the variances are interior in nature and will have no adverse effect upon the surrounding locale.

It is clear that the B.C.Z.R. permits the use proposed in a OR-1 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment

to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28  
(1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that strict compliance with the zoning regulations will unduly restrict the use of the land. In addition, the variances requested will not cause any injury to the public health, safety or general welfare and are in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variances requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12<sup>th</sup> day of July, 1996 that the Petition for Special Exception to locate a Class B, Assisted Living Facility on the subject property, zoned OR-1, pursuant to Sections 205.3.B.1 and 1B01.1.C.22 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 432.5.B.1.b(2) of the B.C.Z.R. to permit parking and delivery areas for a Class B, Assisted Living Facility to be located in an interior front yard in lieu of the required side or rear yard location and from Section 432.5.B.3.b to permit a Class B, Assisted Living Facility to be located on a lot without frontage on a principal arterial road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

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IT IS FURTHER ORDERED that the Petition for Variance seeking alternative relief as follows: From Section 413.1.A to permit an identification sign of 50 sq.ft. (25 sq.ft. per face) in lieu of the maximum permitted 1 sq.ft.; from Section 205.3.C.3.b(1) to permit a combined identification sign of 100 sq.ft. (50 sq.ft. per face) in lieu of the maximum permitted 25 sq.ft., and from Section 205.3.C.3.b(3) to permit a sign height of 9 feet in lieu of the maximum permitted 6 feet, to identify both uses on the subject site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; or, in the alternative, a variance to permit one (1) free-standing, double-faced sign of 35 sq.ft. per face (70 sq.ft. total) with a height no greater than 7 feet to identify the proposed office building on the site, and one (1) free-standing, double-faced sign no greater than 20 sq.ft. per face (40 sq.ft. total), for the proposed Class B Assisted Living Facility, in accordance with Petitioner's Exhibits 2A and 2B, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

IN RE: PETITION FOR SPECIAL  
EXCEPTION AND PETITION FOR  
VARIANCE

W/S Rossville Boulevard,  
130' N of Franklin Square Drive  
7106 Ridge Road

Y.A. Youssef, M.D., Petitioner

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-483-XA

\* \* \* \* \*

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Deputy Zoning Commissioner on a Petition for Special Exception and Variance for that property located on Ridge Road, just west and south of Rossville Boulevard and approximately 130' N. of Franklin Square Drive. The Petition was filed by the owner of the property, Y.A. Youssef, M.D., and the contract purchaser, Heritage Properties, Inc., by David Rhodes, President. Robert A. Hoffman, Esquire appeared on behalf of the Petitioners. The property is approximately 3.17 acres in size and is zoned OR-1.

By way of background, the entire three acre site was approved in 1989 for three one-story office buildings. Now, Heritage Properties seeks to modify that proposal to allow for construction of one 20,000 sq. ft. medical office building on the front two acres of the site and a 15 bed Class B, assisted living facility on the rear one acre portion of the site. It is the 15 bed assisted living facility that has generated the need for the requested zoning relief.

Specifically, Petitioners request a special exception to permit a Class B assisted living facility in an OR-1 zone pursuant to Section 205.3.B.1 and 1B01.1.C.22 of the

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Baltimore County Zoning Regulations ("BCZR"). Petitioners further seek variances from Section 432.5.B1.B2 to permit parking and delivery areas for a Class B assisted living facility to be located in an interior front yard in lieu of the required side or rear yard; a variance from Section 432.5.B.3b to permit a Class B assisted living facility to be located on a lot without frontage on a principle arterial road; a variance from Sections 413.1A, 205.3.C.3.b(1), and 205.3.C.3.b(3) to permit a double-sided identification sign with a surface area of 50 sq. ft. per face and a height of 9 ft.

Appearing on behalf of the Petitioners were George Robinson Wentz, Jr., President, and Robert Isennock both of Colonial Manor Homes, Inc., Jack Cannella, representing Heritage Properties, Inc., and Robert Morelock of Daft-McCune-Walker. No protestants appeared at the hearing.

The testimony and evidence offered by the Petitioners indicated that the subject property is located on Ridge Road and that the property had already received approval for an office building complex.

In order for the Petitioners to be granted a special exception to utilize the rear portion of the site for an assisted living facility, the Petitioners must show that the proposed use will meet the requirements of Section 502.1 BCZR. Generally, the Petitioners must show that the special exception use at the particular location proposed will not adversely impact the health, safety, and general welfare of the surrounding community in a manner above and beyond what would be inherently associated with the project. Schultz v. Pritts, 291 Md. 1, 22-23 (1981).



Because the proposed assisted living facility is a low intensity use and will be located to the rear of an office building complex, it would clearly have no adverse impact on any of the elements in Section 502.1: the project will not be detrimental to the health, safety, or general welfare of the community; will not create congestion in the roads; will not create a potential hazard from fire, panic, or other dangers; will not tend to overcrowd the land or create undue concentration of population; will not interfere with adequate provisions for schools, parks, etc.; will not interfere with adequate light and air; will not be inconsistent with the spirit and intent of the zoning regulations; and will not be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations. Therefore, the Petitioners have met their burden on the Petitioner for Special Exception.

An area variance, such as the ones requested by the Petitioners, may be granted where special circumstances exist relating to the land or structures, which result in practical difficulty for the Petitioner with respect to compliance with the zoning regulations. McLean v. Soley, 278 Md. 208, 214-215 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following criteria:

1. Whether strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether grant of the variance would do substantial justice to the applicant as well as other property owners in the District or whether a lesser relaxation than that applied for would give sufficient relief; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Id.

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During the hearing, the Petitioners amended their variance request to permit, in the alternative, a free-standing double-faced sign for the assisted living facility in addition to a free-standing double-faced sign for the office building, both along Ridge Road. Accordingly, the relief granted herein will allow the property owner the alternative of having the original relief requested for a free-standing sign to serve both proposed uses or, in the alternative, to have a free-standing double-faced sign of 35 sq. ft. per face, no higher than 7 ft. for the office building and one free-standing, double-faced sign for Colonial Manor of no greater than 20 sq. ft. per face, exclusive of any decorative brick support in substantial accordance with the schematic drawing submitted as Petitioner's Exhibit No. 2.

The other variances requested relate to the location of the assisted living facility on Ridge Road which parallels Rossville Blvd., but is not itself on a principal arterial road and to permit parking and delivery areas in the front of the assisted living facility, as opposed to the side or rear. It was clear from the site plan and testimony that the location of the site along a parallel roadway to Rossville Blvd., and the location of the assisted living facility to the rear of an office zoned property presented a unique set of circumstances.

After due consideration of the testimony presented, it is clear that a practical difficulty and unreasonable hardship will result if each of the variances, as requested, are not granted. It has been established that special circumstances or conditions exist peculiar to the land or structure, which is the subject of this variance request, and that special circumstances, which are unique to this parcel, prevent the Petitioners from

strictly complying with the applicable zoning regulations. Therefore, requiring the Petitioners to strictly comply with the zoning regulations would unduly restrict the use of the land. In addition, the evidence has clearly established that the requested relief will not cause any injury to the public health, safety, or general welfare. Further, the requested relief is in compliance with the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing and for the reasons given above, the Petition for Special Exception and Petitions for Variances as requested should be granted.

THEREFORE IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_ day of July, 1996 that the Petition for Special Exception pursuant to Section 205.3.B.1 and Section 1B01.1.C.22 should be granted. Further, a variance from Section 432.5.B.1.b(2) to permit parking and delivery areas for a Class B, assisted living facility to be located in an interior front yard in lieu of the required side or rear yard location; a variance from Section 432.5.b.3.b to permit a Class B, assisted living facility to be located on a lot without frontage on a principle arterial road; a variance from Sections 413.1.A, 205.3.c.3.b(1) and 205.3.c.b(3) to permit either: (i) one two sided 50 sq. ft. per face sign up to 9 ft. high, or in the alternative; (ii) one two sided, 25 sq. ft. per face sign, exclusive of any decorative brick supports, no higher than 6 ft. for the proposed assisted living facility; and, (iii) one two sided 35 sq. ft. per face identification sign for the office project, no higher than 7 ft. in height, be and are hereby granted, subject to the following restriction:

1. Petitioners may apply for their building permit and be granted the same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30

day appellate process from this Order has expired. If, for whatever reason this Order is reversed, the relief granted herein shall be rescinded.

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Timothy M. Kotroco  
Deputy Zoning Commissioner  
for Baltimore County

TO1DOCS1/RAH01/0027192.01

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 12, 1996

(410) 887-4386

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
100' W of Rossville Blvd., 130' N of Franklin Square Drive  
(7106 Ridge Road)  
14th Election District - 6th Councilmanic District  
Y. A. Youssef, M.D., Owner; and  
Heritage Properties, Inc., Contract Purchaser - Petitioners  
Case No. 96-483-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Dr. Y. A. Youssef  
9101 Franklin Square Drive, Baltimore, Maryland 21237

Mr. David G. Rhodes, President, Heritage Properties, Inc.  
515 Fairmount Avenue, Suite 900, Towson, Maryland 21204

Mr. Robert Morelock, Daft-McCune-Walker, Inc.  
200 E. Pennsylvania Avenue, Towson, Maryland 21286

People's Counsel; Case File

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# Petition for Special Exception

## to the Zoning Commissioner of Baltimore County

for the property located at 7106 Ridge Road

96-483-XA

which is presently zoned OR-1

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a Class B, Assisted Living Facility in an OR-1 Zone pursuant to §205.3.B.1 and §1B01.1.C.22

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/lessor:

Legal Owner(s):

Heritage Properties, Inc.

(Type or Print Name)

David J. Rhodes, Pres.

Signature

515 Fairmount Avenue, Suite 900

Address

Towson, MD 21286

City

State

Zipcode

Attorney for Petitioner:

Mr. Rob Hoffman, Esq.

(Type or Print Name)

Rob Hoffman

Signature

Venable, Baetjer & Howard

210 Allegheny Avenue

Address

(410) 823-4111

Phone No.

Towson, MD 21204

City

State

Zipcode

(Type or Print Name)

Signature

Y. A. Youssef, M.D.

(Type or Print Name)

Y. A. Youssef / M.D.

Signature

9101 Franklin Square Drive (410) 391-1771

Address

Phone No.

Baltimore, MD 21237

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser, or representative to be contacted.

Michael T. Maguire

Daft McCune Walker, Inc.

Name

200 E. Pennsylvania Avenue

Address

(410) 296-3333

Phone No.

Towson, MD 21286

City

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 HRS.

the following dates \_\_\_\_\_ Next Two Months

ALL ☒ OTHER ☐

REVIEWED BY J. A. J.

DATE

5/30/96

ORDER RECEIVED FOR FILING

Date

By

Zoning Administration  
& Development Management

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# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 7106 Ridge Road

476

96-483-XA

which is presently zoned OR-1

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (s)

§432.5.B.1.b.(2) to permit parking and delivery areas for a Class B, Assisted Living Facility to be located in an interior front yard in lieu of the required side or rear yard location.

§432.5.B.3.b. to permit a Class B, Assisted Living Facility to be located on a lot without frontage on a principal arterial road \*\*

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

\*\*

Section 413.1.A to permit a 25 sf. per face sign in lieu of the one sf. permitted; and, Section 205.3.C.3.b(1) to permit a combined identification sign of 50 sf. per face in lieu of the 25 sf. permitted; and, Section 205.3.C.3.b(3) to permit a sign height of 9ft. in lieu of the 6ft. permitted. Property is to be posted and advertised as prescribed by Zoning Regulations. the 6ft. permitted. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Applicant/Contract Purchaser:

Legal Owner(s):

Heritage Properties, Inc.  
(Type or Print Name)

Signature David S. Rhodes, Pres.

515 Fairmount Avenue, Suite 900  
Address

Towson, MD 21286  
City State Zipcode

Attorney for Petitioner:

Mr. Rob Hoffman, Esq.  
(Type or Print Name)

Signature

Venable, Baetjer & Howard  
210 Allegheney Avenue (410) 823-4111  
Address Phone No.  
Towson, MD 21204  
City State Zipcode

(Type or Print Name)

Signature

Y. A. Youssef, M.D.  
(Type or Print Name)

Signature

9101 Franklin Square Dr. (410) 391-1771  
Address Phone No.

Baltimore, MD 21237  
City State Zipcode  
Name, Address and phone number of representative to be contacted.

Michael T. Maguire  
Daft McCune Walker, Inc.

200 E. Pennsylvania Avenue (410) 296-3333  
Address Phone No.  
Towson, MD 21286

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS  
Unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL ☒ OTHER ☐  
REVIEWED BY [Signature] DATE 5/30/96

ORDER RECEIVED FOR FILING

Date \_\_\_\_\_  
By \_\_\_\_\_

Zoning Administration

& Development Management

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416

Description

96-483-XA

To Accompany Petitions for Special Exception and Zoning Variances

1.017 Acre Parcel

West of Rossville Boulevard,

North of Franklin Square Drive

Fourteenth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue  
Towson, Maryland 21286

410 296 3333

Fax 296 4705

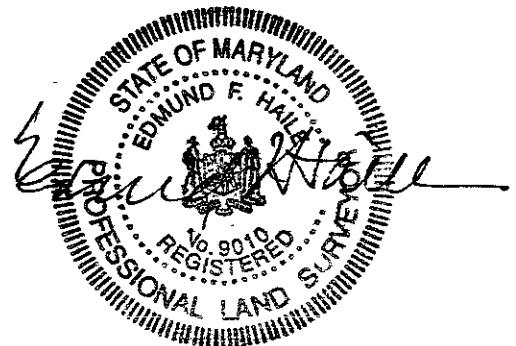
A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

Beginning for the same at the end of the third of the three following courses and distances measured from the point formed by the intersection of the centerline of Rossville Boulevard with the centerline of Franklin Square Drive (1) Northeasterly along the centerline of Rossville Boulevard 130 feet, more or less, thence (2) Northwesterly 100 feet, more or less, to the centerline of Ridge Road, and thence (3) North 84 degrees 43 minutes 40 seconds West 430.19 feet to the point of beginning, thence leaving said beginning point and running the four following courses and distances, viz: (1) North 84 degrees 43 minutes 40 seconds West 200.00 feet, thence (2) North 05 degrees 16 minutes 20 seconds East 221.46 feet, thence (3) South 84 degrees 43 minutes 40 seconds East 200.00 feet, and thence (4) South 05 degrees 16 minutes 20 seconds West 221.46 feet to the point of beginning; containing 1.017 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

May 23, 1996

Project No. 88083.D1



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**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

96-483-XA

District 14th

Date of Posting 6/15/96

Posted for: Special Exemption & Variance

Petitioner: Y. H. Yousef, M.D.

Location of property: 7106 Ridge Rd.

Location of Sign: Facing road way on property being zoned

Remarks: \_\_\_\_\_

Posted by M. J. [Signature]  
Signature

Date of return: 6/21/96

Number of Signs: 1

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BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 919977  
By VL #476

DATE 5/30/96

ACCOUNT ROOF 6150

AMOUNT \$ 620.00

RECEIVED  
FROM: HERITAGE PROP, INC

SPY 300.00  
VAR 250.00

7106 RIDGE RD

FOR: 251605 70.00

\$ 620.00

**MICROFILMED**

820918005 ANTCHRE

620.00

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER

96-483-XA

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in

Class: #90-483-XA

(Item 476)  
 27108 Ridge Road  
 Nashville, TN 37204  
 615-297-1300  
 www.3rdplace.com  
 3rd Place Real Estate  
 144th Election District  
 6th Councilmanic  
 Legal Owner(s):  
 3rd Place Real Estate

**Contract Purchaser/Lessee:**  
Y.A. Youssef, M.D.,  
Heritage Properties, Inc.

**Hearing:** Monday, July 1, 1986 at 10:30 a.m., in Rm. 118, Old Courthouse.

**LAWRENCE E. SCHMIDT**  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3353.  
(2) For information concerning the e-File and/or Hearing, Please Call 887-3391.

TOWSON, MD., 6/13, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/13, 1996.

# THE JEFFERSONIAN,

**LEGAL AD. - TOWSON**

2025



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 476 Petitioner: Heritage Properties, Inc.  
Location: 7106 Ridge Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormord, Legal Assistant  
ADDRESS: Venable, Baetjer + Howard, LLP  
210 Allegheny Avenue, Towson, Md 2104 21204  
PHONE NUMBER: 410-494-6201

**MICROFILMED**

TO: PUTUMENT PUBLISHING COMPANY  
June 13, 1996 Issue - Jeffersonian

Please forward billing to:

Barbara Ormord  
Venable, Baetjer & Howard, LLP  
210 Allegheny Avenue  
Towson, MD 21204  
494-6201

---

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-483-XA (Item 476)  
7106 Ridge Road  
W/S Rossville Boulevard, 130' N of Franklin Square Drive  
14th Election District - 6th Councilmanic  
Legal Owner(s): Y.A. Youssef, M.D.  
Contract Purchaser/Lessee: Heritage Properties, Inc.

Special Excepton for a Class B, Assisted Living Facility.

Variance to permit parking and delivery areas for a Class B, Assisted Living Facility to be located in an interior front yard in lieu of the required side or rear yard location; to permit a Class B, Assisted Living Facility to be located on a lot without frontage on a PRINCIPAL arterial road; to permit a 25 square foot per face sign in lieu of the one single face permitted; and to permit a sign height of 9 feet in lieu of the 6 feet permitted.

HEARING: MONDAY, JULY 1, 1996 at 10:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 10, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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HEARING: MONDAY, JULY 1, 1996 at 10:30 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Y. A. Youssef, M.D.  
Michael T. Maguire/Daft McCune Walker, Inc.  
Heritage Properties, Inc.  
Robert Hoffman, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
7106 Ridge Road, W/S Rossville Boulevard,	*	ZONING COMMISSIONER
130' N of Franklin Square Drive		
14th Election District, 6th Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner(s): Y.A. Youssef, M.D.	*	CASE NO. 96-483-XA
Contract Purchaser/Lessee:		
Heritage Properties, Inc.	*	
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

*Carole S. Demilio*  
CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

MICROFILMED

# PETITION PROBLEMS

## **#473 --- MJK**

1. No printed name or title for contract purchaser.

## **#475 --- JCM**

1. No telephone number for legal owner.
2. Need authorization for person signing for legal owner.

## **#476 --- JLL**

1. Who signed for legal owner??? Need printed name and title.
2. Need authorization for person signing for legal owner.

## **#477 --- MJK**

1. Need authorization for person signing for legal owner.

## **#479 --- MJK**

1. Need telephone number for legal owner.

## **#482 --- RT**

1. Folder says it is in critical area; plat says it is not in critical area.  
Which is it???

ABLE, BAETJER AND HOWARD, LLP  
*Including professional corporations*

210 Allegheny Avenue  
Post Office Box 5517  
Towson, Maryland 21285-5517  
(410) 494-6200, Fax (410) 821-0147

**VENABLE**  
ATTORNEYS AT LAW

OFFICES IN

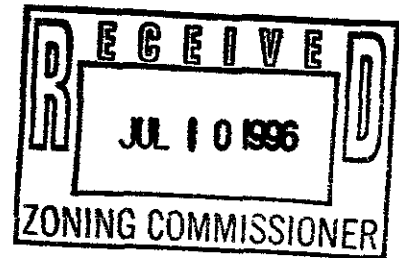
MARYLAND  
WASHINGTON, D.C.  
VIRGINIA

Robert A. Hoffman  
(410) 494-6262

July 10, 1996

**VIA HAND DELIVERY**

Mr. Timothy M. Kotroco  
Deputy Zoning Commissioner  
Baltimore County  
Office of Planning and Zoning  
400 Washington Avenue  
Towson, Maryland 21204



Re: Case No. 96-483-XA  
Petition for Special Exception and  
Petition for Variance  
7106 Ridge Road

Dear Tim:

Enclosed is a draft of the Findings of Fact and Conclusions of Law in the referenced case.

Please call me if you have any questions or changes.

Yours truly,

Robert A. Hoffman

RAH:pvb  
Enclosure  
TOIDOC51/RAH01/0027429.01

RECEIVED



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Rob Hoffman  
ROB ISENNOCK JR  
GEORGE R. WENTZ, JR.  
BOB MORELOCK  
Jack Cannella

210 Allegheny Ave 21204  
9166 Drexelville Rd White Mt 21161  
P.O. Box 748 Severna Park MD 21146  
DMW, INC  
200 E. PENNA. AVE. TOWSON 21286  
515 Fairmount Ave 21204

MICROFILMED

ORNAMENTAL  
LIGHT FIXTURE

PRECAST CAP

CAST METAL  
PLAQUE

BRICK PIER

BRICK BASE

PAINTED WOOD  
TRIMPIN MOUNTED  
METAL LETTERSColonial Manor  
of  
Lutherville3" x 3" POST  
GROUTED  
INTO CMU  
FOUNDATION8" DIA.  
CONCRETE  
FOOTING

ELEVATION

PLAN

ENTRANCE SIGN

SCALE: 1/2" = 1'-0"

PETITIONER'S  
EXHIBIT 2A

COLONIAL MANOR OF LUTHERVILLE

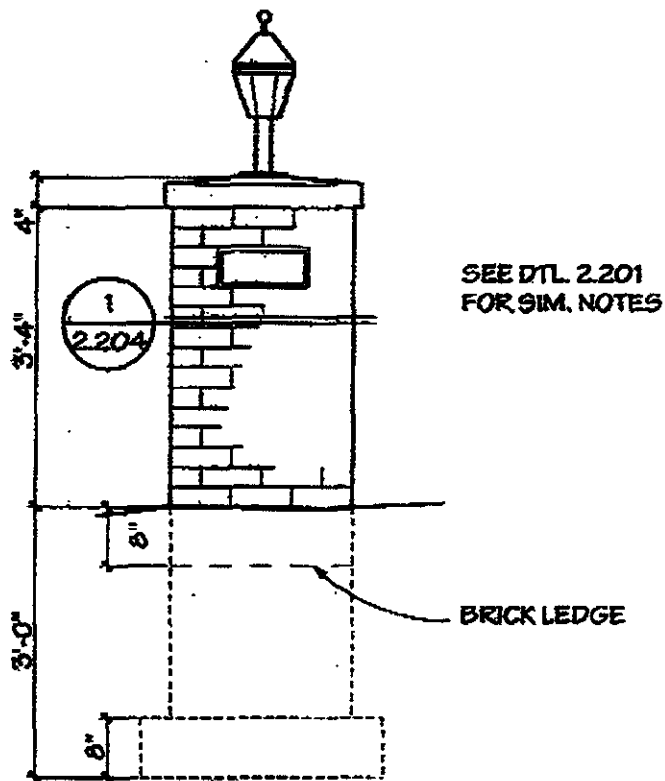
File	Drawn	Date	Sheet
9533.00	SAC	04/15/96	2.201R

Getz Taylor  
Architects, Inc.450 Franklin Street  
Havre de Grace  
Maryland 21078  
(410) 939-0056

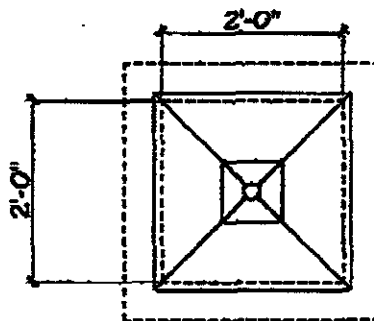
Alternate Sign to be used  
substantially similar to this  
detail.

MICROFILMED

EXHIBIT 28  
 PETITIONER'S



**ELEVATION**



**PLAN**

**1 SIGN PIER PLAN & ELEVATION**  
 SCALE: 1/2" = 1'-0"

<b>G</b>	<b>COLONIAL MANOR OF LUTHERVILLE</b>			
	File 9533.00	Drawn RJH	Date 04/15/96	Sheet 2.202R

**Getz Taylor Architects, Inc.**  
 450 Franklin Street  
 Havre de Grace  
 Maryland 21078  
 (410) 939-0056

MICROFILMED

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND VARIANCE - 100' W of Rossville Blvd.  
130' N of Franklin Square Drive \* DEPUTY ZONING COMMISSIONER  
(7106 Ridge Road)  
14th Election District \* OF BALTIMORE COUNTY  
6th Councilmanic District \* Case No. 96-483-XA  
Y. A. Youssef, M.D., Owner;  
Heritage Properties, Inc., Contract Purchaser

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 7106 Ridge Road, located adjacent to Rossville Boulevard across from Essex Community College in Rossville. The Petition was filed by the owner of the property, Y. A. Youssef, M.D., and the Contract Purchaser, Heritage Properties, Inc., by David G. Rhodes, President. The Petitioners seek approval to locate a Class B Assisted Living Facility on the subject property, zoned OR-1, pursuant to Sections 205.3.B.1 and 1B01.1.C.22 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: From Section 432.5.B.1.b(2) to permit parking and delivery areas for a Class B, Assisted Living Facility to be located in an interior front yard in lieu of the required side or rear yard location; from Section 432.5.B.3.b to permit a Class B, Assisted Living Facility to be located on a lot without frontage on a principal arterial road; from Section 413.1.A to permit an identification sign of 50 sq.ft. (25 sq.ft. per face) in lieu of the maximum permitted 1 sq.ft.; from Section 205.3.C.3.b(1) to permit a combined identification sign of 100 sq.ft. (50 sq.ft. per face) in lieu of the maximum permitted 25 sq.ft., and from Section 205.3.C.3.b(3) to permit a sign height of 9 feet in lieu of the maximum permitted 6 feet. The subject property and requested

relief are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were George Robinson Wentz, Jr., President, and Robert Isenrock, Jr., both representatives of Colonial Manor Homes, Inc., Jack Cannella, a representative of Heritage Properties, Inc., and Robert Morelock of Daft-McCune-Walker, Inc., the engineering/architectural firm which prepared the site plan for this project, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.29 acres, more or less, zoned OR-1, and was the subject of prior Case No. 90-328-SPEXA in which a special hearing, special exception and variances for three (3) one-story office buildings were granted on April 16, 1990. The property was reclassified in December 1992 from RO to O-1 (now OR-1) and the relief granted in Case No. 90-328-SPEXA subsequently abandoned. The Petitioners now wish to modify their original proposal to construct one, 20,000 sq.ft. medical office building on the front two acres of the site, and a 15-bed Class B, Assisted Living Facility on the rear one-acre portion of the site, in accordance with Petitioner's Exhibit 1. It is the Class B Assisted Living Facility which has generated the requested special exception and variance relief. Testimony and evidence presented demonstrated that the proposed facility is a low intensity use and will be located to the rear of the office building complex. Thus, its impact upon the surrounding community will be minimal.

As to the variance relief sought, the Petitioners amended their request at the hearing, seeking alternative relief. Specifically, the Petitioners seek approval of one (1) free-standing, double-faced sign of

35 sq.ft. per face (70 sq.ft. total) with a height no greater than 7 feet to identify the proposed office building on the site, and one (1) free-standing, double-faced sign no greater than 20 sq.ft. per face (40 sq.ft. total), for the proposed Class B Assisted Living Facility. The latter sign dimensions are exclusive of any decorative brick support, as shown on the schematic drawing for same which was submitted into evidence as Petitioner's Exhibit 2. In the alternative, the Petitioners seek approval, pursuant to the Petition filed, for one free-standing sign of 50 sq.ft. total, with no greater height than 9 feet, to identify both uses on the site.

As for the other variances requested, they relate to the location of the assisted living facility on Ridge Road, which parallels Rossville Boulevard, but is not itself, a principal arterial road. Furthermore, relief is sought to permit parking and delivery areas to be located in front of the assisted living facility, as opposed to the side or rear of the building. Due to the proposed uses on the property and their locations thereon, the relief requested is necessary to maintain both uses in an orderly and practical manner. In addition, the variances are interior in nature and will have no adverse effect upon the surrounding locale.

It is clear that the B.C.Z.R. permits the use proposed in a OR-1 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment

to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that strict compliance with the zoning regulations will unduly restrict the use of the land. In addition, the variances requested will not cause any injury to the public health, safety or general welfare and are in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variances requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1<sup>st</sup> day of July, 1996 that the Petition for Special Exception to locate a Class B, Assisted Living Facility on the subject property, zoned OR-1, pursuant to Sections 205.3.B.1 and 1B01.1.C.22 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 432.5.B.1.b(2) of the B.C.Z.R. to permit parking and delivery areas for a Class B, Assisted Living Facility to be located in an interior front yard in lieu of the required side or rear yard location and from Section 432.5.B.3.b to permit a Class B, Assisted Living Facility to be located on a lot without frontage on a principal arterial road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking alternative relief as follows: From Section 413.1.A to permit an identification sign of 50 sq.ft. (25 sq.ft. per face) in lieu of the maximum permitted 1 sq.ft.; from Section 205.3.C.3.b(1) to permit a combined identification sign of 100 sq.ft. (50 sq.ft. per face) in lieu of the maximum permitted 25 sq.ft., and from Section 205.3.C.3.b(3) to permit a sign height of 9 feet in lieu of the maximum permitted 6 feet, to identify both uses on the subject site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; or, in the alternative, a variance to permit one (1) free-standing, double-faced sign of 35 sq.ft. per face (70 sq.ft. total) with a height no greater than 7 feet to identify the proposed office building on the site, and one (1) free-standing, double-faced sign no greater than 20 sq.ft. per face (40 sq.ft. total), for the proposed Class B Assisted Living Facility, in accordance with Petitioner's Exhibits 2A and 2B, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TMR:bjs

TIMOTHY M. ROTROCO  
Deputy Zoning Commissioner  
for Baltimore County

IN RE: PETITION FOR SPECIAL \* BEFORE THE  
EXCEPTION AND PETITION FOR \* DEPUTY ZONING  
VARIANCE \*  
W/S Rossville Boulevard, \* COMMISSIONER  
130' N of Franklin Square Drive \*  
7106 Ridge Road \* OF BALTIMORE COUNTY  
Y.A. Youssef, M.D., Petitioner \* Case No. 96-483-XA  
\* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner on a Petition for Special Exception and Variance for that property located on Ridge Road, just west and south of Rossville Boulevard and approximately 130' N. of Franklin Square Drive. The Petition was filed by the owner of the property, Y.A. Youssef, M.D. and the contract purchaser, Heritage Properties, Inc., by David Rhodes, President. Robert A. Hoffman, Esquire appeared on behalf of the Petitioners. The property is approximately 3.17 acres in size and is zoned OR-1.

By way of background, the entire three acre site was approved in 1989 for three one-story office buildings. Now, Heritage Properties seeks to modify that proposal to allow for construction of one 20,000 sq. ft. medical office building on the front two acres of the site and a 15 bed Class B, assisted living facility on the rear one acre portion of the site. It is the 15 bed assisted living facility that has generated the need for the requested zoning relief.

Specifically, Petitioners request a special exception to permit a Class B assisted living facility in an OR-1 zone pursuant to Section 205.3.B.1 and 1B01.1.C.22 of the

Baltimore County Zoning Regulations ("BCZR"). Petitioners further seek variances from Section 432.5.B1.B2 to permit parking and delivery areas for a Class B assisted living facility to be located in an interior front yard in lieu of the required side or rear yard; a variance from Section 432.5.B.3b to permit a Class B assisted living facility to be located on a lot without frontage on a principle arterial road; a variance from Sections 413.1A, 205.3.C.3.b(1), and 205.3.C.3.b(3) to permit a double-sided identification sign with a surface area of 50 sq. ft. per face and a height of 9 ft.

Appearing on behalf of the Petitioners were George Robinson Wentz, Jr., President, and Robert Isenrock both of Colonial Manor Homes, Inc., Jack Cannella, representing Heritage Properties, Inc., and Robert Morelock of Daft-McCune-Walker. No protestants appeared at the hearing.

The testimony and evidence offered by the Petitioners indicated that the subject property is located on Ridge Road and that the property had already received approval for an office building complex.

In order for the Petitioners to be granted a special exception to utilize the rear portion of the site for an assisted living facility, the Petitioners must show that the proposed use will meet the requirements of Section 502.1 BCZR. Generally, the Petitioners must show that the special exception use at the particular location proposed will not adversely impact the health, safety, and general welfare of the surrounding community in a manner above and beyond what would be inherently associated with the project. Schultz v. Pritts, 291 Md. 1, 22-23 (1981).



Because the proposed assisted living facility is a low intensity use and will be located to the rear of an office building complex, it would clearly have no adverse impact on any of the elements in Section 502.1: the project will not be detrimental to the health, safety, or general welfare of the community; will not create congestion in the roads; will not create a potential hazard from fire, panic, or other dangers; will not tend to overcrowd the land or create undue concentration of population; will not interfere with adequate provisions for schools, parks, etc.; will not interfere with adequate light and air; will not be inconsistent with the spirit and intent of the zoning regulations; and will not be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations. Therefore, the Petitioners have met their burden on the Petitioner for Special Exception.

An area variance, such as the ones requested by the Petitioners, may be granted where special circumstances exist relating to the land or structures, which result in practical difficulty for the Petitioner with respect to compliance with the zoning regulations. *McLean v. Soley*, 278 Md. 208, 214-215 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following criteria:

1. Whether strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether grant of the variance would do substantial justice to the applicant as well as other property owners in the District or whether a lesser relaxation than that applied for would give sufficient relief; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Id.

3

During the hearing, the Petitioners amended their variance request to permit, in the alternative, a free-standing double-faced sign for the assisted living facility in addition to a free-standing double-faced sign for the office building, both along Ridge Road. Accordingly, the relief granted herein will allow the property owner the alternative of having the original relief requested for a free-standing sign to serve both proposed uses or, in the alternative, to have a free-standing double-faced sign of 35 sq. ft. per face, no higher than 7 ft. for the office building and one free-standing, double-faced sign for Colonial Manor of no greater than 20 sq. ft. per face, exclusive of any decorative brick support in substantial accordance with the schematic drawing submitted as Petitioner's Exhibit No. 2.

The other variances requested relate to the location of the assisted living facility on Ridge Road which parallels Rossville Blvd., but is not itself on a principal arterial road and to permit parking and delivery areas in the front of the assisted living facility, as opposed to the side or rear. It was clear from the site plan and testimony that the location of the site along a parallel roadway to Rossville Blvd., and the location of the assisted living facility to the rear of an office zoned property presented a unique set of circumstances.

After due consideration of the testimony presented, it is clear that a practical difficulty and unreasonable hardship will result if each of the variances, as requested, are not granted. It has been established that special circumstances or conditions exist peculiar to the land or structure, which is the subject of this variance request, and that special circumstances, which are unique to this parcel, prevent the Petitioners from

4

strictly complying with the applicable zoning regulations. Therefore, requiring the Petitioners to strictly comply with the zoning regulations would unduly restrict the use of the land. In addition, the evidence has clearly established that the requested relief will not cause any injury to the public health, safety, or general welfare. Further, the requested relief is in compliance with the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing and for the reasons given above, the Petition for Special Exception and Petitions for Variances as requested should be granted.

THEREFORE IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_ day of July, 1996 that the Petition for Special Exception pursuant to Section 205.3.B.1 and Section 1B01.1.C.22 should be granted. Further, a variance from Section 432.5.B.1.b(2) to permit parking and delivery areas for a Class B, assisted living facility to be located in an interior front yard in lieu of the required side or rear yard location; a variance from Section 432.5.B.3.b to permit a Class B, assisted living facility to be located on a lot without frontage on a principle arterial road; a variance from Sections 413.1.A, 205.3.c.3.b(1) and 205.3.c.3.b(3) to permit either: (i) one two sided 50 sq. ft. per face sign up to 9 ft. high, or in the alternative; (ii) one two sided, 25 sq. ft. per face sign, exclusive of any decorative brick supports, no higher than 6 ft. for the proposed assisted living facility; and, (iii) one two sided 35 sq. ft. per face identification sign for the office project, no higher than 7 ft. in height, be and are hereby granted, subject to the following restriction:

1. Petitioners may apply for their building permit and be granted the same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30

5

day appellate process from this Order has expired. If, for whatever reason this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjb (410) 391-1771

6

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204  
July 12, 1996 (410) 887-4386

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204  
RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
100' W of Rossville Blvd., 130' N of Franklin Square Drive  
(7106 Ridge Road)  
14th Election District - 6th Councilmanic District  
Y. A. Youssef, M.D., Owner; and  
Heritage Properties, Inc., Contract Purchaser - Petitioners  
Case No. 96-483-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 867-3391.

Very truly yours,

Timothy M. Kotroco  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjb

cc: Dr. Y. A. Youssef  
9101 Franklin Square Drive, Baltimore, Maryland 21237

Mr. David G. Rhodes, President, Heritage Properties, Inc.  
515 Fairmount Avenue, Suite 900, Towson, Maryland 21204

Mr. Robert Morelock, Daft-McCune-Walker, Inc.  
200 E. Pennsylvania Avenue, Towson, Maryland 21286

People's Counsel; Case File

**Petition for Special Exception**  
to the Zoning Commissioner of Baltimore County  
for the property located at 7106 Ridge Road  
which is presently zoned OR-1  
This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for  
a Class B, Assisted Living Facility in an OR-1 Zone pursuant to §205.3.B.1 and §1B01.1.C.22

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s):

Heritage Properties, Inc.

(Type or Print Name)

Signature

515 Fairmount Avenue, Suite 900

Towson, MD 21286

City State Zip

Attorney for Petitioner:

Mr. Rob Hoffman, Esq.

(Type or Print Name)

Signature

Venable, Baetjer & Howard

410 Allegheny Avenue

Towson, MD 21204

City State Zip

(Type or Print Name)

Signature

Y. A. Youssef, M.D.

(Type or Print Name)

Signature

5101 Franklin Square Drive (410) 391-1771

Baltimore, MD 21237

City State Zip

Name

200 E. Pennsylvania Avenue (410) 296-3333

Towson, MD 21286

City State Zip

ESTIMATED LENGTH OF HEARING

Available for Hearing

The following date: Next Two Months

ALL OTHER

REVIEWED BY: DATE: 5/30/96

ORDER RECEIVED FOR FILING

Date By

Zoning Administration  
& Development Management

**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
for the property located at 7106 Ridge Road  
which is presently zoned OR-1  
This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (a)  
§432.5.B.1.b(2) to permit parking and delivery areas for a Class B, Assisted Living Facility to be located in an interior front yard in lieu of the required side or rear yard location.  
§432.5.B.3.b to permit a Class B, Assisted Living Facility to be located on a lot without frontage on a principal arterial road  
Section 413.1.A to permit a 25 sq. ft. per face sign in lieu of the one sq. ft. permitted; and, Section 205.3.C.3.b(1) to permit a combined identification sign of 50 sq. ft. per face in lieu of the 25 sq. ft. permitted; and, Section 205.3.C.3.b(3) to permit a sign height of 9 ft. in lieu of 6 ft. in lieu of Property is to be posted and advertised as prescribed by Zoning Regulations, the 6 ft. permitted. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Applicant/Contract Purchaser:

Heritage Properties, Inc.

(Type or Print Name)

Signature

515 Fairmount Avenue, Suite 900

Towson, MD 21286

City State Zip

Attorney for Petitioner:

Mr. Rob Hoffman, Esq.

(Type or Print Name)

Signature

Venable, Baetjer & Howard

410 Allegheny Avenue

Towson, MD 21204

City State Zip

(Type or Print Name)

Signature

Y. A. Youssef, M.D.

(Type or Print Name)

Signature

5101 Franklin Square Dr. (410) 391-1771

Baltimore, MD 21237

City State Zip

Name

200 E. Pennsylvania Avenue (410) 296-3333

Towson, MD 21286

City State Zip

ESTIMATED LENGTH OF HEARING

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The following date: Next Two Months

ALL OTHER

REVIEWED BY: DATE: 5/30/96

ORDER RECEIVED FOR FILING

Date By

Zoning Administration  
& Development Management

**DMW**  
Description 96-483-XA  
To Accompany Petitions for Special Exception and Zoning Variances  
1.017 Acre Parcel  
West of Rossville Boulevard,  
North of Franklin Square Drive  
Fourteenth Election District, Baltimore County, Maryland

Beginning for the same at the end of the third of the three following courses and distances measured from the point formed by the intersection of the centerline of Rossville Boulevard with the centerline of Franklin Square Drive (1) Northeasterly along the centerline of Rossville Boulevard 130 feet, more or less, thence (2) Northwesterly 100 feet, more or less, to the centerline of Ridge Road, and thence (3) North 84 degrees 43 minutes 40 seconds West 430.19 feet to the point of beginning, thence leaving said beginning point and running the four following courses and distances, viz: (1) North 84 degrees 43 minutes 40 seconds West 200.00 feet, thence (2) North 05 degrees 16 minutes 20 seconds East 221.46 feet, thence (3) South 84 degrees 43 minutes 40 seconds East 200.00 feet, and thence (4) South 05 degrees 16 minutes 20 seconds West 221.46 feet to the point of beginning, containing 1.017 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.  
May 23, 1996  
Project No. 88083.D1



Page 1 of 1



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 14th Date of Posting: 6/15/96

Posted for: Special Exception & Variance

Petitioner: J. H. Youssef, M.D.

Location of property: 7106 Ridge Road

Location of Sign: Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204

Remarks:

Posted by: [Signature] Date of return: 6/17/96

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 645577  
7106 Ridge Road

DATE: 6/30/96 ACCOUNT: RC016150

AMOUNT: \$ 620.00

RECEIVED FROM: HERITAGE PROPERTIES, INC.

FOR: 25 signs

VALIDATION OR SIGNATURE OF CASHIER: [Signature]

BALTIMORE COUNTY  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 476 Petitioner: Heritage Properties, Inc.

Location: 7106 Ridge Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Osmund, Legal Assistant

ADDRESS: Venable, Baetjer & Howard, LLP  
210 Allegheny Avenue, Towson, Md 21204

PHONE NUMBER: 410-494-6201

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-483-XA (Item 476)  
7106 Ridge Road  
W/S Roseville Boulevard, 130' N of Franklin Square Drive  
14th Election District - 6th Councilmanic  
Legal Owner(s): Y.A. Youssef, M.D.  
Contract Purchaser/Lessee: Heritage Properties, Inc.

Special Exception for a Class B, Assisted Living Facility.  
Variance to permit parking and delivery areas for a Class B, Assisted Living Facility to be located in an interior front yard in lieu of the required side or rear yard location; to permit a Class B, Assisted Living Facility to be located on a lot without frontage on a PRINCIPAL arterial road; to permit a 25 square foot per face sign in lieu of the one single face permitted; and to permit a sign height of 9 feet in lieu of the 6 feet permitted.

HEARING: MONDAY, JULY 1, 1996 at 10:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 6/13, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/13, 1996.

THE JEFFERSONIAN,  
LEGAL AD. - TOWSON  
[Signature]

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
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Hearing: Monday, July 1, 1996 at 10:30 a.m. in Room 118, Old Courthouse.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.  
6/14/96 13 C5561

BALTIMORE COUNTY  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 10, 1996

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-483-XA (Item 476)  
7106 Ridge Road  
W/S Roseville Boulevard, 130' N of Franklin Square Drive  
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HEARING: MONDAY, JULY 1, 1996 at 10:30 a.m. in Room 118, Old Courthouse.

[Signature]  
Arnold Jablon  
Director

cc: Y. A. Youssef, M.D.  
Michael T. Ragnits/Draftsman Walker, Inc.  
Heritage Properties, Inc.  
Robert Hoffman, Esq.

NOTES: (1) ZONING STICK & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

RE: PETITION FOR SPECIAL EXCEPTION  
PETITION FOR VARIANCE  
7106 Ridge Road, W/S Roseville Boulevard,  
130' N of Franklin Square Drive  
14th Election District, 6th Councilmanic

Legal Owner(s): Y.A. Youssef, M.D.  
Contract Purchaser/Lessee:  
Heritage Properties, Inc.  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

CASE NO. 96-483-XA

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

[Signature]  
CAROLE S. DEMILLO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2128

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

[Signature]  
PETER MAX ZIMMERMAN

**PETITION PROBLEMS**

**#473 --- MJK**

1. No printed name or title for contract purchaser.

**#475 --- JCM**

1. No telephone number for legal owner.
2. Need authorization for person signing for legal owner.

**#476 --- JLL**

1. Who signed for legal owner??? Need printed name and title.
2. Need authorization for person signing for legal owner.

**#477 --- MJK**

1. Need authorization for person signing for legal owner.

**#479 --- MJK**

1. Need telephone number for legal owner.

**#482 --- RT**

1. Folder says it is in critical area; plat says it is not in critical area. Which is it???

June 3, 1996

VENABLE  
BAETJER & HOWARD, LLP  
210 Allegheny Avenue  
Towson, Maryland 21204  
(410) 494-6201

OFFICES IN  
MARYLAND  
WASHINGTON, D.C.  
VIRGINIA

Robert A. Hoffman  
(410) 944-6067

July 10, 1996

**VIA HAND DELIVERY**

Mr. Timothy M. Kutroco  
Deputy Zoning Commissioner  
Baltimore County  
Office of Planning and Zoning  
400 Washington Avenue  
Towson, Maryland 21204

Re: Case No. 96-483-XA  
Petition for Special Exception and  
Petition for Variance  
7106 Ridge Road

Dear Tim:

Enclosed is a draft of the Findings of Fact and Conclusions of Law in the referenced case.

Please call me if you have any questions or changes.

Yours truly,  
[Signature]  
Robert A. Hoffman

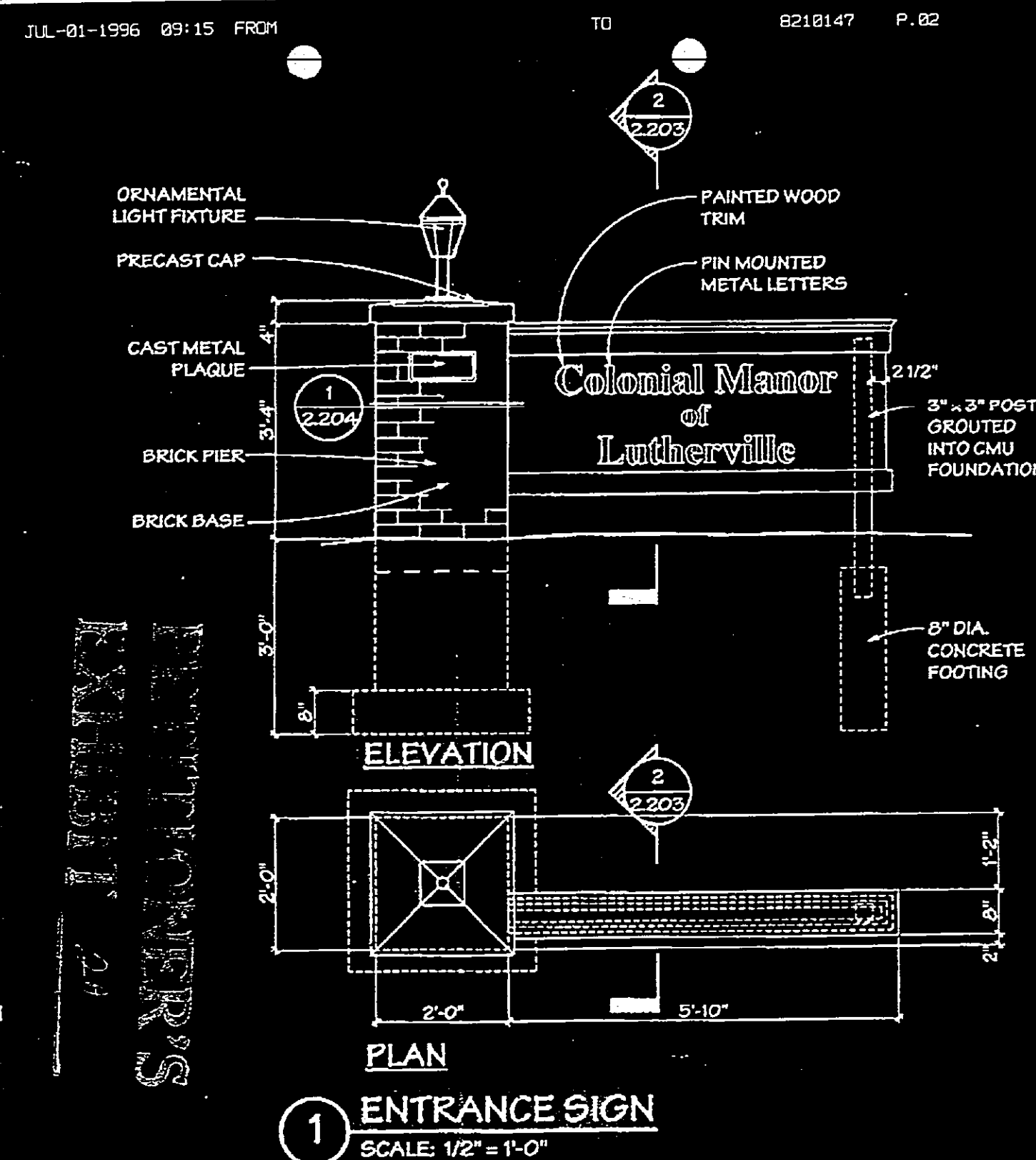
RAH:pvb  
Enclosure  
T01DOCS/RAH01.0021429.01



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Hillside Ave 21214
Bob Jensen	4161 Lutherville Rd 21111
George R. Wenzel Jr.	80 Bay 7th St 21214
Bob Moreau	200 E. Penna Ave Towson 21204
Jack Casella	515 Fairmont Ave 21214

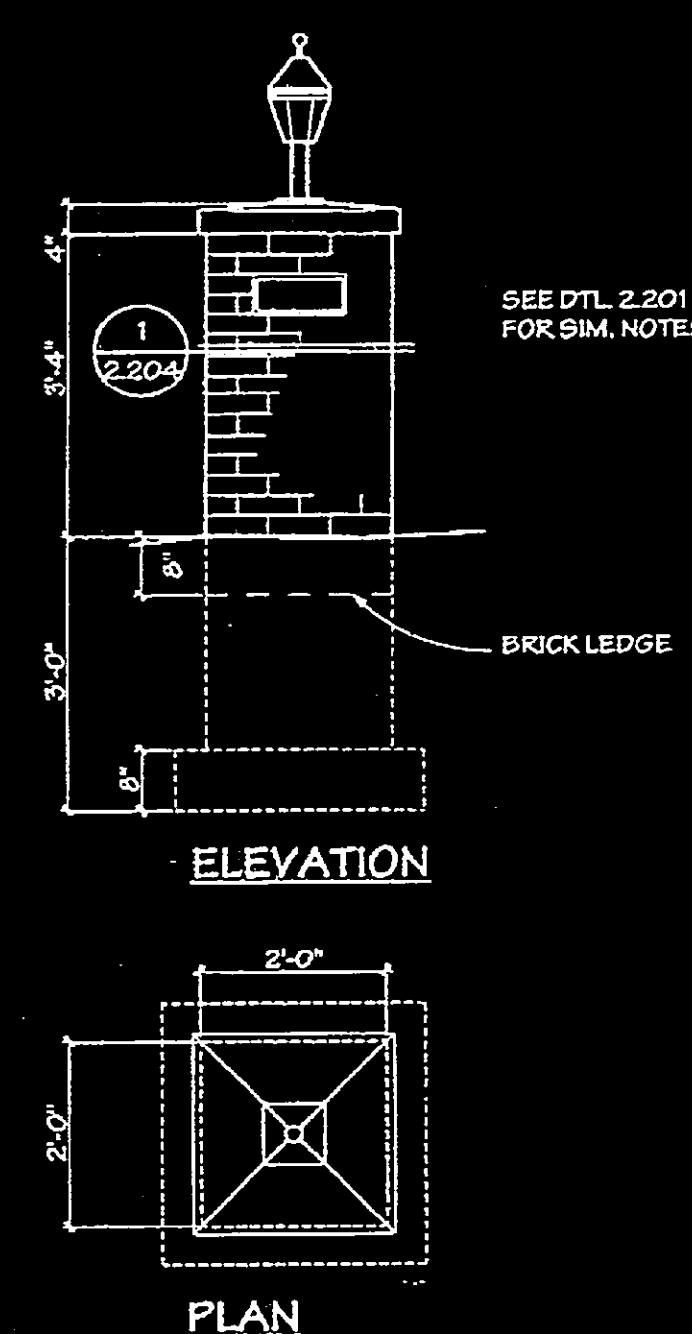


**COLONIAL MANOR OF LUTHERVILLE** Getz Taylor Architects, Inc.  
450 Franklin Street  
Havre de Grace Maryland 21078  
(410) 939-0056

File	Drawn	Date	Sheet
9533.00	SAC	04/15/96	2.201R

Alternate Sign to be used for Lutherville Avenue to this detail.

JUL-01-1996 09:15 FROM TO 8218147 P.83



**COLONIAL MANOR OF LUTHERVILLE** Getz Taylor Architects, Inc.  
450 Franklin Street  
Havre de Grace Maryland 21078  
(410) 939-0056

File	Drawn	Date	Sheet
9533.00	RJH	04/15/96	2.202R



approximate "high" of entrance,  
building & parking locations from  
South to North, which will  
be authorized by the granting of  
the requested zoning relief.

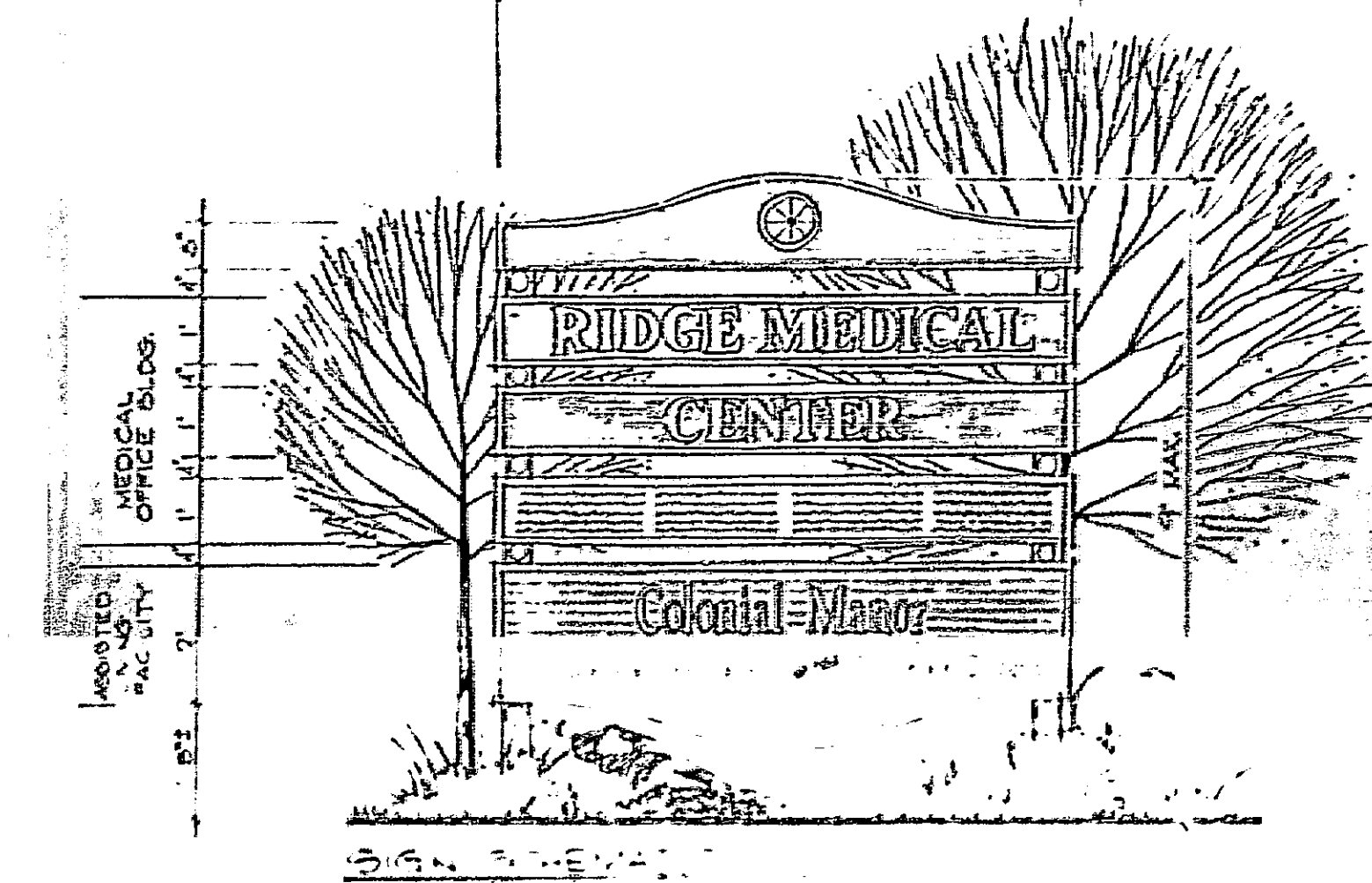
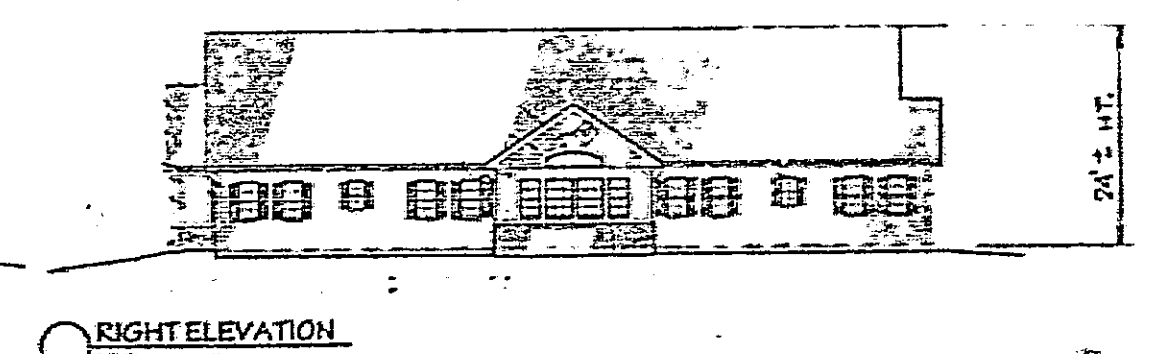
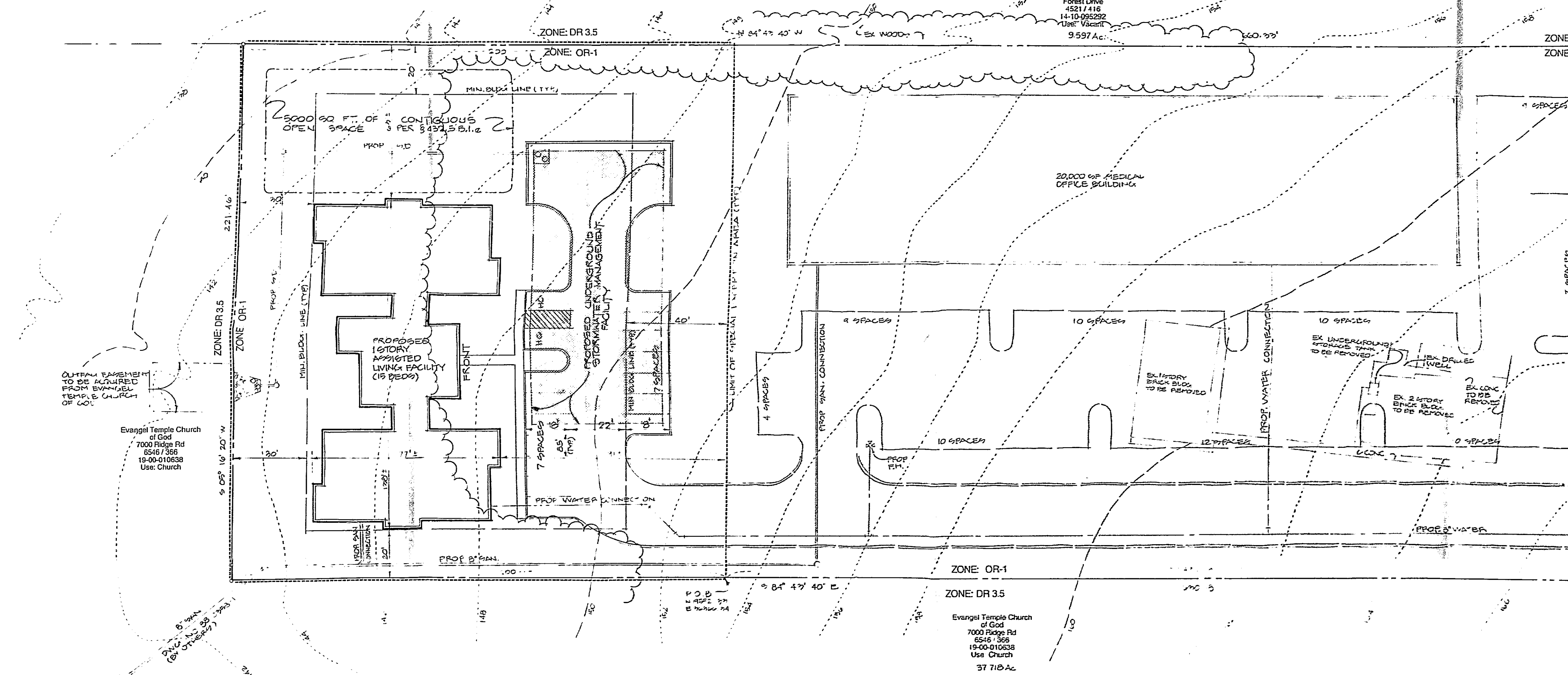
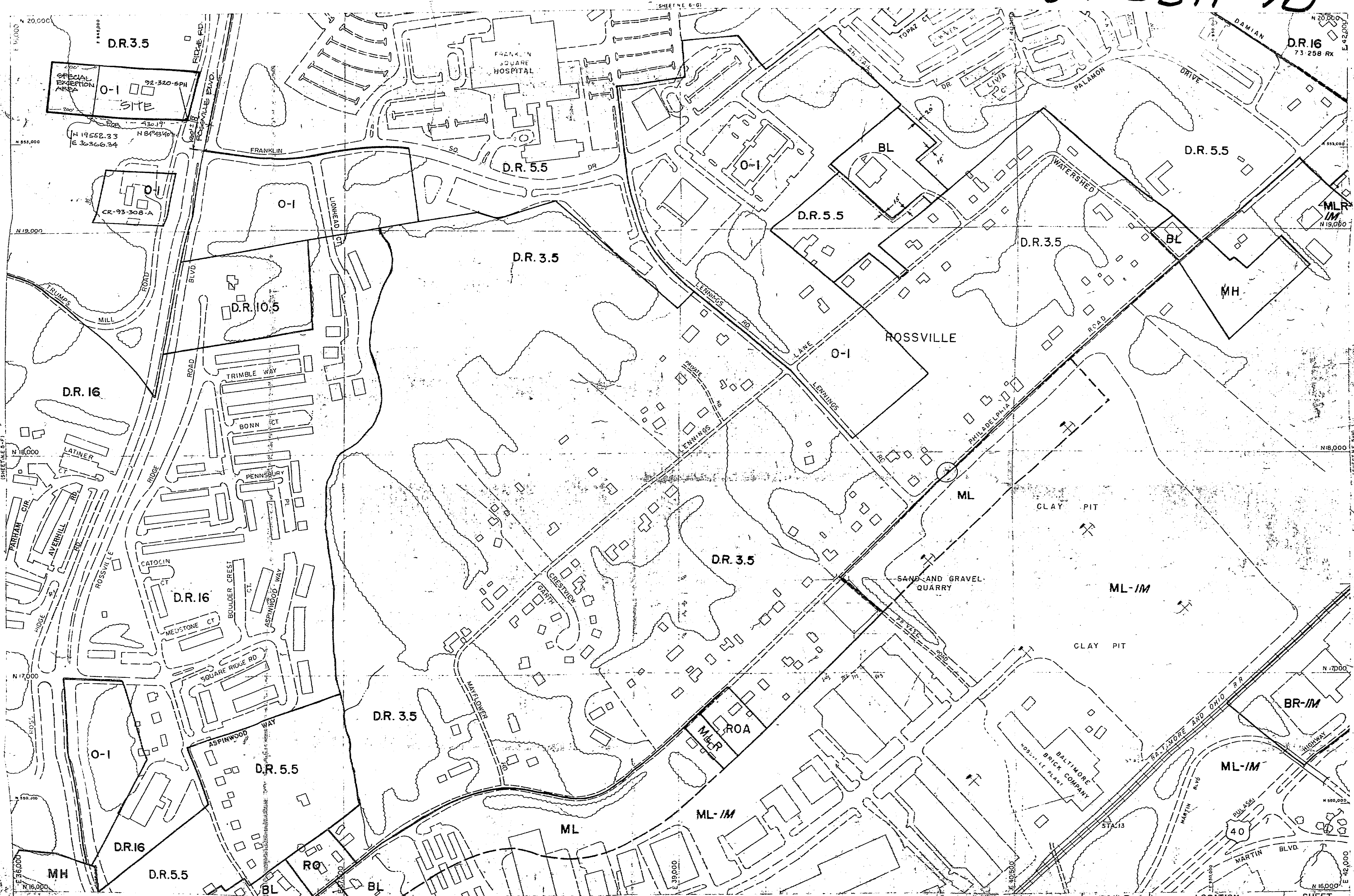
[illegible][illegible]

EXHIBIT \_\_\_\_\_



4X-584-96



**BALTIMORE COUNTY**  
**OFFICE OF PLANNING AND ZONING**  
**OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92  
William Howard  
Chairman, County Council

SCALE  
1" = 200'  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986  
ROSSVILLE  
#476

THIS MAP HAS BEEN REVIEWED IN SELECTED AREAS  
FOR ACCURACY BY PHOTOGRAMMETRIC METHODS  
BY RUTH HORN, NCE, BALTIMORE, MD 212